



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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NATASHA JOHNSON
Assistant Commissioner

The following Decision is distributed for your information. This Decision has been made in consideration of the specific facts of this case. This Decision is not to be interpreted as establishing any new mandatory policy or procedure otherwise officially promulgated.

STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW **01711-23 T.W.**

AGENCY DKT. NO. **C798064007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner's EA benefits, contending that she failed to show up at the Agency authorized housing placement on two separate occasions. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 2, 2023, the Honorable Jude-Anthony Tiscornia, Administrative Law Judge ("ALJ"), held a plenary hearing and took testimony. No documents were admitted into evidence.

On March 2, 2023, the ALJ issued an Initial Decision, reversing the Agency's determination. Here, based on the credible testimony of both parties, the ALJ found Petitioner eligible for EA benefits. See Initial Decision at 2-4. Specifically, the ALJ found, and the Agency acknowledged, that Petitioner had not failed to show up at her housing placement on January 24, 2023, but rather, was turned away from said placement because a negative COVID-19 PCR test was required for all family members before they could be admitted. *Id.* at 2, 4. The ALJ also found that it was clearly due to miscommunications between Petitioner and the Agency which resulted in Petitioner's failure to show up at the housing placement for the second time, on January 30, 2023. *Id.* at 2-4. Based on the foregoing, the ALJ concluded that the Agency's denial of EA benefits to Petitioner was improper, and reversed the Agency's determination. *Id.* at 3-4; see also N.J.A.C. 10:90-6.1(a), (c). I agree.

Exceptions to the Initial Decision were filed by the Agency on March 8, 2023.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, I concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.

By way of comment, Petitioner is advised that the Agency "shall determine" the most appropriate form of emergency housing required to address the needs of an EA recipient, which, in this matter, may include placement at the previously authorized YMCA. See Initial Decision at 2; see also N.J.A.C. 10:90-6.3(a) (1). Petitioner is further advised that if she refuses any Agency offered placement, her EA benefits may again be denied, and a six-month period of ineligibility for EA benefits may be imposed. See N.J.A.C. 10:90-6.1(c)(3).



By way of further comment, I have reviewed the Agency's Exceptions, and find that the arguments made therein do not alter my decision in this matter.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determination is REVERSED.

Officially approved final version. March 9, 2023

Natasha Johnson
Assistant Commissioner

